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OFFICE OF PETITIONS

In re Application of :
Holger Norenberg :
Application Number: 10/776696 : ON PETITION
Filing Date: 02/12/2004 :
For: METHOD AND APPARATUS FOR :
MEASURING THE RATE OF :
PERMEATION OF GASES AND VAPOURS :
THROUGH MATERIALS :

This is a decision on the petition under 37 CFR 1.137(b)¹ filed on April 17, 2007, to revive the above-identified application.

The Office apologizes for the delay in responding to the subject petition.

The petition is GRANTED.

This application became abandoned on October 27, 2005, for failure to file a proper response to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on September 26, 2005, which set a one (1) month shortened period for reply. On October 18, 2005,

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

a corrected amendment was filed, but the amendment document failed to provide the corrective action required by the Notice mailed on September 26, 2005. A Failure to Acceptably Respond to Notice of Non-Compliant Amendment (37 CFR 1.121) *No New Time Period for Reply is Provided*, was mailed on November 18, 2005. An additional corrected amendment was filed on December 5, 2005, but was not accompanied by any extension of time under 37 CFR 1.136(a). Notice of Abandonment was mailed on August 9, 2006. On August 25, 2006, a petition under 37 CFR 1.137(a) was filed. On March 2, 2007, the petition was dismissed.

On April 17, 2007, the subject petition was filed, accompanied by the required fee and a corrected amendment.

The application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood
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Office of Petitions